



General Assembly

January Session, 2005

Amendment

LCO No. 8126

SB0108008126SD0

Offered by:

SEN. COLEMAN, 2nd Dist.

SEN. FASANO, 34th Dist.

REP. O'CONNOR, 35th Dist.

REP. ALTOBELLO, 82nd Dist.

REP. STONE, 9th Dist.

To: Senate Bill No. 1080

File No. 347

Cal. No. 293

"AN ACT CONCERNING ZONING."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 8-7d of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2005*):

5 (a) In all matters wherein a formal petition, application, request or
6 appeal must be submitted to a zoning commission, planning and
7 zoning commission or zoning board of appeals under this chapter, a
8 planning commission under chapter 126 or an inland wetlands agency
9 under chapter 440 and a hearing is required or otherwise held on such
10 petition, application, request or appeal, such hearing shall commence
11 within sixty-five days after receipt of such petition, application,
12 request or appeal and shall be completed within thirty-five days after

13 such hearing commences, unless a shorter period of time is required
14 under this chapter, chapter 126 or chapter 440. Notice of the hearing
15 shall be published in a newspaper having a general circulation in such
16 municipality where the land that is the subject of the hearing is located
17 at least twice, at intervals of not less than two days, the first not more
18 than fifteen days or less than ten days and the last not less than two
19 days before the date set for the hearing. In addition to such notice,
20 such commission, board or agency may, by regulation, provide for
21 notice to be mailed to persons who own [or occupy] land that is
22 immediately adjacent to the land that is the subject of the hearing, or
23 notice to be provided by posting a sign on the land that is the subject of
24 the hearing. For purposes of such notice, (1) proof of mailing shall be
25 evidenced by a certificate of mailing, and (2) the person who owns
26 land means the owner indicated on the property tax map or on the
27 last-completed grand list as of the date such notice is mailed. All
28 applications and maps and documents relating thereto shall be open
29 for public inspection. At such hearing, any person or persons may
30 appear and be heard and may be represented by agent or by attorney.
31 All decisions on such matters shall be rendered within sixty-five days
32 after completion of such hearing, unless a shorter period of time is
33 required under this chapter, chapter 126 or chapter 440. The petitioner
34 or applicant may consent to one or more extensions of any period
35 specified in this subsection, provided the total extension of all such
36 periods shall not be for longer than sixty-five days, or may withdraw
37 such petition, application, request or appeal.

38 (b) Notwithstanding the provisions of subsection (a) of this section,
39 whenever the approval of a site plan is the only requirement to be met
40 or remaining to be met under the zoning regulations for any building,
41 use or structure, a decision on an application for approval of such site
42 plan shall be rendered within sixty-five days after receipt of such site
43 plan. Whenever a decision is to be made on an application for
44 subdivision approval under chapter 126 on which no hearing is held,
45 such decision shall be rendered within sixty-five days after receipt of
46 such application. Whenever a decision is to be made on an inland

47 wetlands and watercourses application under chapter 440 on which no
48 hearing is held, such decision shall be rendered within sixty-five days
49 after receipt of such application. The applicant may consent to one or
50 more extensions of such period, provided the total period of any such
51 extension or extensions shall not exceed sixty-five days or may
52 withdraw such plan or application.

53 (c) For purposes of subsection (a) or (b) of this section and section 7-
54 246a, the date of receipt of a petition, application, request or appeal
55 shall be the day of the next regularly scheduled meeting of such
56 commission, board or agency, immediately following the day of
57 submission to such commission, board or agency or its agent of such
58 petition, application, request or appeal or thirty-five days after such
59 submission, whichever is sooner. If the commission, board or agency
60 does not maintain an office with regular office hours, the office of the
61 clerk of the municipality shall act as the agent of such commission,
62 board or agency for the receipt of any petition, application, request or
63 appeal.

64 (d) The provisions of subsection (a) of this section shall not apply to
65 any action initiated by any zoning commission, planning commission
66 or planning and zoning commission regarding adoption or change of
67 any zoning regulation or boundary or any subdivision regulation,
68 except that (1) for any proposed significant change of a zoning
69 boundary or a significant change to an allowable use or density limit in
70 one or more specified zones, the zoning commission or planning and
71 zoning commission shall provide, by regulation, for notice by mail of
72 any public hearing on such change to persons who own land that is the
73 subject of the hearing or who own land immediately adjacent to the
74 land that is the subject of the hearing; (2) for any proposed change of a
75 zoning regulation not subject to subdivision (1) of this subsection, the
76 zoning commission or planning and zoning commission shall provide,
77 by regulation, for notice by mail of any public hearing on such change
78 to persons who own land the commission reasonably determines to be
79 potentially significantly impacted by such proposed change; or (3) for
80 any proposed change of any subdivision regulation, the planning

81 commission or planning and zoning commission shall provide, by
82 regulation, for notice by mail of any public hearing on such change to
83 persons who own land the commission reasonably determines to be
84 potentially significantly impacted by such proposed change. For
85 purposes of this subsection, (A) notice shall be mailed not later than
86 ten days prior to the commencement of the public hearing, (B) proof of
87 mailing shall be evidenced by a certificate of mailing, and (C) the
88 person who owns land means the owner indicated on the property tax
89 map or on the last-completed grand list as of the date such notice is
90 mailed. The commission's determination under subdivision (1) of this
91 subsection regarding the significance of any proposed change and
92 under subdivision (2) or (3) of this subsection regarding land that
93 could be significantly impacted by the proposed change shall not be a
94 basis of any legal claim or appeal. Notwithstanding the provisions of
95 subdivision (1) of this subsection, the provisions of subsection (a) of
96 this section shall not apply to a proposal by a zoning commission or
97 planning and zoning commission to change the allowable uses or
98 densities in all zones in the municipality.

99 (e) Notwithstanding the provisions of this section, if an application
100 involves an activity regulated pursuant to sections 22a-36 to 22a-45,
101 inclusive, and the time for a decision by a zoning commission or
102 planning and zoning commission established pursuant to this section
103 would elapse prior to the thirty-fifth day after a decision by the inland
104 wetlands agency, the time period for a decision shall be extended to
105 thirty-five days after the decision of such agency. The provisions of
106 this subsection shall not be construed to apply to any extension
107 consented to by an applicant or petitioner.

108 (f) The zoning commission, planning commission, zoning and
109 planning commission, zoning board of appeals or inland wetlands
110 agency shall notify the clerk of any adjoining municipality of the
111 pendency of any application, petition, appeal, request or plan
112 concerning any project on any site in which: (1) Any portion of the
113 property affected by a decision of such commission, board or agency is
114 within five hundred feet of the boundary of the adjoining

115 municipality; (2) a significant portion of the traffic to the completed
116 project on the site will use streets within the adjoining municipality to
117 enter or exit the site; (3) a significant portion of the sewer or water
118 drainage from the project on the site will flow through and
119 significantly impact the drainage or sewerage system within the
120 adjoining municipality; or (4) water runoff from the improved site will
121 impact streets or other municipal or private property within the
122 adjoining municipality. Such notice shall be made by certified mail,
123 return receipt requested, and shall be mailed within seven days of the
124 date of receipt of the application, petition, request or plan. Such
125 adjoining municipality may, through a representative, appear and be
126 heard at any hearing on any such application, petition, appeal, request
127 or plan."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2005</i>	8-7d
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